

introduction

Introduction



It is fundamental to a free and democratic society that elections are conducted in a fair manner, with all qualified citizens having an equal opportunity to vote and to have their votes counted. It is for this reason that as the Chief Election Official of New Jersey, I welcome the unprecedented federal support that the states will receive under the "Help America Vote Act of 2002" (HAVA). Enacted on October 29, 2002, HAVA is intended to provide federal monies to assist in the upgrading of a state's voting equipment and to provide for the implementation of procedures that will protect each citizen's right to vote, while maintaining confidence in the integrity of the state's election system.

HAVA provides, among other things, for the replacement of the antiquated lever voting machines and punch card machines. It sets forth voting system standards to assure accurate vote counts. It mandates the creation of a statewide voter registration system. It sets forth identification requirements for first-time mail registrants and for the use of provisional ballots, with the provisional ballot voter to be given the opportunity to ascertain the disposition of her or his ballot. Polling places will have additional notices to inform voters as to voting procedures and rights. It is further intended that voters with disabilities will be able to vote confidentially and independently in fully accessible polling places.

Under Section 101 of Title I of HAVA, states can receive funds for a broad range of activities for the overall improvement of their election structure and administration. Section 102 of Title I provides for funding for the replacement of lever and punch card machines. Title II of HAVA establishes the Election Assistance Commission, a federal agency charged with a variety of election-related responsibilities. For example, it will act as an informational resource, conduct studies relating to voting technology and promulgate guidelines and recommendations to the states.

Title III of the Act sets forth substantive electoral requirements for the states, such as statewide voter registration systems, provisional balloting, identification requirements for first-time mail registrants and additional notices in polling places of voter rights. Title III also provides for the largest portion of federal funding to assist the states in implementing HAVA. Title III provides for a three-year plan for receipt of federal funds. To receive a share of section 252, Title III monies, commonly referred to as "requirements payments", a state must submit a written plan known as a State Plan, setting forth the manner in which the State intends to comply with Title III and detailing the contemplated use of the federal funds. Funds distributed to a state pursuant to HAVA can be used for the Title III requirements relating to voting systems, statewide voter registration, provisional balloting and can also be used for voter education efforts, election official training and overall improvement of a state's election administration.

States also will receive under section 261 of Title III monies to be used for voters with disabilities, for the purpose of polling place accessibility, equal access to voting, voting information and sensitivity training for district board workers.

New Jersey has a strong record of commitment to the election process through the efforts of its election officials and the interest and participation of our voters and various constituency groups. It has been a long-standing requirement to

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send sample ballots to registered voters before each election. New Jersey has used provisional ballots since the 1996 General Election and in 2001, it replaced punch card voting machines that had been used for decades in two counties. HAVA will now provide the State with the ability to further strengthen its electoral commitment. New Jersey has already received \$16,836,817 under Title I. A large portion of Title I monies will be used for the replacement of the lever voting machines that are now used in seven counties. Under Section 252 of Title III, it is estimated that the State is eligible to receive, for the federal fiscal year of 2003, approximately \$23 million. Under Section 261 of Title III, New Jersey will be eligible to receive \$352,485.00. The State applied for Section 261 funds on July 7, 2003.

This State Plan details how New Jersey intends to further comply with HAVA requirements in order to receive Title III funds. It specifically addresses the thirteen requisite categories, in accordance with Section 254 of Title III of HAVA. In accordance with HAVA, in my capacity as New Jersey's Chief Election Official, I appointed a diverse group of election officials and other citizens to assist in the preparation of the State Plan. I asked this group, the New Jersey State Plan Committee ("SPC"), to take this opportunity to not only consider how New Jersey can meet the specific mandates of HAVA, but how we can provide for even greater improvement in the manner in which elections are conducted. We are particularly mindful that one of the fundamental goals of HAVA is to promote statewide uniformity and that this goal can be met if we move toward a more coordinated and centralized system at the state level.

As further required by HAVA, there was a public comment period. Although the federal law only required a 30-day public comment period, we decided to extend this time by an additional 15 days, from June 20 through August 4. The Preliminary State Plan was posted on the State's website. I further directed that "we take the plan to the people" by way of public hearings of which there were eight, conducted throughout the State. We heard a variety of comments, particularly from members of advocacy groups for persons with disabilities as well as persons with disabilities. They expressed the need for their direct input on such matters as polling place accessibility and district board worker training. This proposal had already been stated in the Preliminary Plan. It remains in the final State Plan and will be the cornerstone of New Jersey's efforts to ensure that all persons with disabilities have equal and fair access to each aspect of the electoral process. It need not be stated that the efforts to improve such access will have a positive effect for all voters, as noted by one of the members of the SPC.

The two most common themes heard throughout the public hearings, as well as the SPC work sessions, were: one, the necessity for continued and effective communication between and among all election officials, from the municipal clerks to State officials, and interested members of the public; and two, the need for effective voter education that reaches all segments of our society. These interests are reflected in the State Plan and will be the guiding principals as we move forward into the implementation phase of HAVA.

That being said, we are mindful that the changes required under HAVA will not occur overnight. All states, including New Jersey, will have until no later than January 1, 2006 to replace antiquated lever voting machines and implement a statewide voter registration system. The required "free access system," which will

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enable provisional ballot voters to check the disposition of their ballots, will be available in New Jersey as of the 2004 June Primary. Some of the changes proposed for our State will require legislation and regulatory changes. Our ability to fully realize all of the contemplated modifications to our electoral system is dependent upon full federal funding over the next three year period, as set forth in HAVA. You have our assurances, however, that we will work to achieve these goals to better serve our citizens, as we appreciate that an informed and involved citizenry is an indispensable part of a viable election process.



*Peter C. Harvey
Attorney General
State of New Jersey*